IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

OP.No. 39160 of 2002(J)

PETITIONER:

P.A.RAPHAEL, AGED 41 YEARS,
S/O.P.R.ANTONY,SLIPWAY WORKER,
INTEGRATED FISHERIES PROJECT,KOCHI-16.,
RESIDING AT "SAMSON COTTAGE",KAKKANAD P.O.,
THUTHIYUR, KOCHI-30.

BY ADV. SRI.T.C.GOVINDA SWAMY

RESPONDENTS:
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1. **THE SPECIAL DEPUTY TAHSILDAR (RR),**
   KERALA STATE FINANCIAL ENTERPRISES LTD.,
   ERNAKULAM.

2. **THE KERALA STATE FINANCIAL ENTERPRISES**
   LTD.,VYTTILA,KOCHI-15,
   THROUGH ITS BRANCH MANAGER.

3. **THE ACCOUNTS OFFICER,**
   INTEGRATED FISHERIES PROJECT,
   (MINISTRY OF AGRICULTURE),
   KOCHI-16.

BY ADV. SRI.RAJU JOSEPH, ADDL.SC.,KSFE LTD.for R1 & R2
SRI.P.S.SREEDHARAN PILLAI, SCGSC for R3
SRI.PRAKASH PUTHIADAM, ADDL.CGSC
SRI.M.L.SAJEEVAN, SC, KSFE LTD.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO.39160/2002 J

ORDER ON C.M.P.NO.65840/2002 IN O.P.NO.39160/2002 J

DISMISSED

14/03/2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE DEMAND NOTICE UNDER SECTION 7 DTD. 5/11/2002 ISSUED BY THE 1ST RESPONDENT.**

EXT.P2: **COPY OF THE NOTE BEARING ON A2/7-2/81 VOL.II/350 OF 13/12/2002 ISSUED BY THE 3RD RESPONDENT.**

EXT.P3: **COPY OF THE PROHIBITORY ORDER NO.SDT/EKM/2404/02 DTD. 22/11/2002 IN FORMS 3, ISSUED BY THE 1ST RESPONDENT.**

EXT.P4: **COPY OF THE PAY SLIP FOR THE MONTH OF NOV.2002, ISSUED BY THE 3RD RESPONDENT.**

/TRUE COPY/

KSS

KURIAN JOSEPH, J.

O.P.No. 39160 of 2002

Dated this the 14th day of March, 2007

JUDGMENT

Petitioner is aggrieved by the recovery steps initiated at the instance of the respondent KSFE. Admittedly, the petitioner has executed an agreement as surety for one Mrs.Nisha Sivan and the recovery is in terms of the agreement executed by the petitioner. Petitioner has a case that the recovery is beyond the permissible limits since he is not drawing the salary for the proposed recovery. Petitioner may point out the same before the second respondent within a period of one month from today in which case the matter will be duly considered by the second respondent with notice to the petitioner and appropriate action in accordance with law in the matter will be taken within another two months. The interim order will continue for the said period of three months.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.NO.39160/2002

JUDGMENT

14th March, 2007